

JS 44 (Rev. 02/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MICHAEL F. ROGERS, ESQUIRE, Administrator of the Estate of
TERRENCE T. TAYLOR, Deceased

(b) County of Residence of First Listed Plaintiff MONTGOMERY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Shanin Specter, Esquire and Colin Burke, Esquire
Kline & Specter, PC, 1525 Locust Street, Philadelphia, PA 19102
(215) 772-1000

DEFENDANTS

MONTGOMERY COUNTY

County of Residence of First Listed Defendant MONTGOMERY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Section 1983

Brief description of cause:

DEATH OF AN INMATE AT MONTGOMERY COUNTY PRISON

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/22/2019

SIGNATURE OF ATTORNEY OF RECORD

Ch. Bur

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 510 TOWNSHIP LINE ROAD, SUITE 150, BLUE BELL, PA 19422

Address of Defendant: ONE MONTGOMERY PLAZA, 425 SWEDE STREET, NORRISTOWN, PA 19401

Place of Accident, Incident or Transaction: 60 EAGLEVILLE ROAD, EAGLEVILLE, PA 19403

RELATED CASE, IF ANY:


Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/22/2019


Must sign here
Attorney-at-Law / Pro Se Plaintiff

204924

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION


(The effect of this certification is to remove the case from eligibility for arbitration.)

I, COLIN BURKE, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 10/22/2019


Sign here if applicable
Attorney-at-Law / Pro Se Plaintiff

204924

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

ADDRESSES OF ADDITIONAL DEFENDANTS

60 Eagleville Road
Eagleville, Pennsylvania 19403

3940 Locust Lane
Harrisburg, Pennsylvania 17109

5501 Old York Road
Philadelphia, Pennsylvania 19141

559 West Germantown Pike
East Norriton, Pennsylvania 19403

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 510 TOWNSHIP LINE ROAD, SUITE 150, BLUE BELL, PA 19422

Address of Defendant: ONE MONTGOMERY PLAZA, 425 SWEDE STREET, NORRISTOWN, PA 19401

Place of Accident, Incident or Transaction: 60 EAGLEVILLE ROAD, EAGLEVILLE, PA 19403

RELATED CASE, IF ANY:


Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/22/2019


Must sign here
Attorney-at-Law / Pro Se Plaintiff

204924

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
 - ☐ 2. FELA
 - ☐ 3. Jones Act-Personal Injury
 - ☐ 4. Antitrust
 - ☐ 5. Patent
 - ☐ 6. Labor-Management Relations
 - ☒ 7. Civil Rights
 - ☐ 8. Habeas Corpus
 - ☐ 9. Securities Act(s) Cases
 - ☐ 10. Social Security Review Cases
 - ☐ 11. All other Federal Question Cases
- (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
 - ☐ 2. Airplane Personal Injury
 - ☐ 3. Assault, Defamation
 - ☐ 4. Marine Personal Injury
 - ☐ 5. Motor Vehicle Personal Injury
 - ☐ 6. Other Personal Injury (Please specify): _____
 - ☐ 7. Products Liability
 - ☐ 8. Products Liability – Asbestos
 - ☐ 9. All other Diversity Cases
- (Please specify): _____

ARBITRATION CERTIFICATION

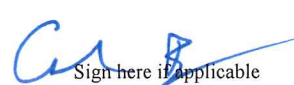
(The effect of this certification is to remove the case from eligibility for arbitration.)

I, COLIN BURKE, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 10/22/2019


Sign here if Applicable
Attorney-at-Law / Pro Se Plaintiff

204924

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

ADDRESSES OF ADDITIONAL DEFENDANTS

60 Eagleville Road
Eagleville, Pennsylvania 19403

3940 Locust Lane
Harrisburg, Pennsylvania 17109

5501 Old York Road
Philadelphia, Pennsylvania 19141

559 West Germantown Pike
East Norriton, Pennsylvania 19403

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

MICHAEL F. ROGERS, ESQUIRE,
Administrator of the Estate of
TERRENCE T. TAYLOR, Deceased
v.

CIVIL ACTION

MONTGOMERY COUNTY, et al.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

October 22, 2019

Date

Colin Burke, Esq.

Attorney-at-law

Plaintiff

Attorney for

215-772-1000

215-772-1005

colin.burke@klinespecter.com

Telephone

FAX Number

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL F. ROGERS, ESQUIRE
Administrator of the Estate of
TERRENCE T. TAYLOR, deceased
510 Township Line Road, Suite 150
Blue Bell, Pennsylvania 19422

Plaintiff,

v.

MONTGOMERY COUNTY
One Montgomery Plaza
425 Swede Street
Norristown, Pennsylvania 19401

AND

CORRECTIONAL OFFICER
BRIAN CHRISTY
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORRECTIONAL OFFICER
GREGORY FERRELL
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORRECTIONAL OFFICER
THOMAS STIMSON
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

NO.

CORRECTIONAL OFFICER
JAMES MEEHAN
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORRECTIONAL OFFICER
MELVIN HOFFMAN
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORRECTIONAL OFFICER
ANTHONY STEVENSON
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORRECTIONAL OFFICER
DAVID SLAYMAKER
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORRECTIONAL OFFICER
VICTORIA BARATUCCI
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

SERGEANT EDWARD KEEFER
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORPORAL SEAN LEHMAN
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

LIEUTENANT DAVID MONTEITH
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORPORAL TYRA IZZARD
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

PRIMECARE MEDICAL, INC.
3940 Locust Lane
Harrisburg, Pennsylvania 17109

AND

CLAUDETTE FOSTER, R.N.
c/o PrimeCare Medical, Inc.
3940 Locust Avenue
Harrisburg, Pennsylvania 17109

AND

THOMAS REESE, R.N.
c/o PrimeCare Medical, Inc.
3940 Locust Avenue
Harrisburg, Pennsylvania 17109

AND

JUDITH MCILHORNE, R.N.
c/o PrimeCare Medical, Inc.
3940 Locust Avenue
Harrisburg, Pennsylvania 17109

AND

SHERRI JONES, M.A.
c/o PrimeCare Medical, Inc.
3940 Locust Avenue
Harrisburg, Pennsylvania 17109

AND

DR. MARGARET CARRILLO
c/o PrimeCare Medical, Inc.
3940 Locust Avenue
Harrisburg, Pennsylvania 17109

AND

ALBERT EINSTEIN HEALTHCARE NETWORK
a/k/a EINSTEIN HEALTHCARE NETWORK
5501 Old York Road
Philadelphia, Pennsylvania 19141

AND

EINSTEIN MEDICAL CENTER MONTGOMERY
a/k/a ALBERT EINSTEIN MEDICAL CENTER
MONTGOMERY a/k/a ALBERT EINSTEIN
MEDICAL CENTER – MONTGOMERY
559 West Germantown Pike
East Norriton, Pennsylvania 19403

AND

MEDICAL JOHN DOES 1-10
c/o PrimeCare Medical, Inc.
3940 Locust Lane
Harrisburg, Pennsylvania 17109

AND

CORRECTIONAL OFFICER JOHN DOES 1-10
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

Defendants.

CIVIL ACTION COMPLAINT

Plaintiff, Michael F. Rogers, Esquire, Administrator of the Estate of Terrence T. Taylor, deceased, by and through his attorneys, Kline & Specter, P.C., alleges as follows:

1. This action arises from the death of Terrence T. Taylor, a twenty-three-year-old man, who died as a result of the conduct of the Defendants in intentionally denying and delaying Mr. Taylor's access to medical care while suffering from a serious medical condition during his incarceration at the Montgomery County Correctional Facility ("MCCF"), where he was being held on a probation violation, allowing his condition to deteriorate to the point of death. Mr. Taylor's death was a foreseeable and direct result of the conduct of the individual and institutional defendants.

PARTIES

2. On December 15, 2017, Plaintiff, Michael F. Rogers, Esquire, was appointed the Administrator of the Estate of Terrence T. Taylor, deceased. *See* Short Certificate, attached hereto as Exhibit A. Plaintiff is an adult resident of the Commonwealth of Pennsylvania, with a business address at 510 Township Line Road, Suite 150, Blue Bell, Pennsylvania 19422.

3. Defendant, Montgomery County, is a county, political subdivision, and governmental entity in the Commonwealth of Pennsylvania, organized and existing under the laws of the Commonwealth of Pennsylvania, with a principal place of business at One Montgomery Plaza, 425 Swede Street, Norristown, Pennsylvania 19401.

4. Defendant, Correctional Officer Brian Christy (herein "Defendant Christy"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Christy is a corrections officer employed by MCCF and/or Montgomery County, and,

at all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

5. Defendant, Correctional Officer Gregory Ferrell (herein “Defendant Ferrell”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Ferrell is a corrections officer employed by MCCF and/or Montgomery County, and, at all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

6. Defendant, Correctional Officer Thomas Stimson (herein “Defendant Stimson”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Stimson is a corrections officer employed by MCCF and/or Montgomery County, and, at all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

7. Defendant, Correctional Officer James Meehan (herein “Defendant Meehan”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Meehan is a corrections officer employed by MCCF and/or Montgomery County, and at all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

8. Defendant, Correctional Officer Melvin Hoffman (herein “Defendant Hoffman”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403.

Defendant Hoffman is a corrections officer employed by MCCF and/or Montgomery County, and at all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

9. Defendant, Correctional Officer Anthony Stevenson (herein “Defendant Stevenson”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Stevenson is a corrections officer employed by MCCF and/or Montgomery County, and at all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

10. Defendant, Correctional Officer David Slaymaker (herein “Defendant Slaymaker”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Slaymaker is a corrections officer employed by MCCF and/or Montgomery County, and at all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

11. Defendant, Correctional Officer Victoria Baratucci (herein “Defendant Baratucci”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Baratucci is a corrections officer employed by MCCF and/or Montgomery County, and at all times relevant hereto, was acting under color of state law and under the authority provided to her as a corrections officer at MCCF.

12. Defendant, Sergeant Edward Keefer (herein “Defendant Keefer”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at

Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Keefer is a Sergeant and supervisor of other corrections officers employed by MCCF and/or Montgomery County, and, at all times relevant hereto, was acting under color of state law and under the authority provided to him as a Sergeant at MCCF.

13. Defendant, Corporal Sean Lehman (herein “Defendant Lehman”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Lehman is a Corporal and supervisor of other corrections officers employed by MCCF and/or Montgomery County, and, at all times relevant hereto, was acting under color of state law and under the authority provided to him as a Corporal at MCCF.

14. Defendant, Lieutenant David Monteith (herein “Defendant Monteith”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Monteith is a Lieutenant and supervisor of other corrections officers employed by MCCF and/or Montgomery County, and, at all times relevant hereto, was acting under color of state law and under the authority provided to him as a Lieutenant at MCCF.

15. Defendant, Corporal Tyra Izzard (herein “Defendant Izzard”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at Montgomery County Correctional Facility, 60 Eagleville Road, Eagleville, Pennsylvania 19403. Defendant Izzard is a Corporal and supervisor of other corrections officers employed by MCCF and/or Montgomery County, and at all times relevant hereto, was acting under color of state law and under the authority provided to her as a Corporal at MCCF.

16. Defendant, PrimeCare Medical, Inc. (herein “Defendant PrimeCare”), is a

corporation or other jural entity organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania and with a business address at 3940 Locust Lane, Harrisburg, Pennsylvania 17109. The claim asserted against this Defendant is for the professional negligence of its actual and/or ostensible agents, servants, and/or employees, and for its direct negligence as stated more fully herein. A Certificate of Merit pursuant to Pennsylvania Rule of Civil Procedure (“Pa. R. Civ. P.”) 1042.3 regarding the treatment, practice or work of this Defendant is attached hereto as Exhibit B.

17. Defendant, Claudette Foster, R.N. (herein “Nurse Foster”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at PrimeCare Medical Inc., 3940 Locust Lane, Harrisburg, Pennsylvania 17109. Nurse Foster is a registered nurse employed by PrimeCare. The claim asserted against this Defendant is for her direct negligence as stated more fully herein. A Certificate of Merit pursuant to Pennsylvania Rule of Civil Procedure (“Pa. R. Civ. P.”) 1042.3 regarding the treatment, practice or work of this Defendant is attached hereto as Exhibit C.

18. Defendant, Thomas Reese, R.N. (herein “Nurse Reese”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at PrimeCare Medical Inc., 3940 Locust Lane, Harrisburg, Pennsylvania 17109. Nurse Reese is a registered nurse employed by PrimeCare. The claim asserted against this Defendant is for his direct negligence as stated more fully herein. A Certificate of Merit pursuant to Pennsylvania Rule of Civil Procedure (“Pa. R. Civ. P.”) 1042.3 regarding the treatment, practice or work of this Defendant is attached hereto as Exhibit D.

19. Defendant, Judith McIlhorne, R.N. (herein “Nurse McIlhorne”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at PrimeCare

Medical Inc., 3940 Locust Lane, Harrisburg, Pennsylvania 17109. Nurse McIlhorne is a registered nurse employed by PrimeCare. The claim asserted against this Defendant is for her direct negligence as stated more fully herein. A Certificate of Merit pursuant to Pennsylvania Rule of Civil Procedure (“Pa. R. Civ. P.”) 1042.3 regarding the treatment, practice or work of this Defendant is attached hereto as Exhibit E.

20. Defendant, Sherri Jones, M.A. (herein “Medical Assistant Jones”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at PrimeCare Medical Inc., 3940 Locust Lane, Harrisburg, Pennsylvania 17109. Medical Assistant Jones is a medical assistant employed by PrimeCare. The claim asserted against this Defendant is for her direct negligence as stated more fully herein. A Certificate of Merit pursuant to Pennsylvania Rule of Civil Procedure (“Pa. R. Civ. P.”) 1042.3 regarding the treatment, practice or work of this Defendant is attached hereto as Exhibit F.

21. Defendant, Dr. Margaret Carrillo (herein “Dr. Carrillo”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at PrimeCare Medical Inc., 3940 Locust Lane, Harrisburg, Pennsylvania 17109. Dr. Carrillo is a physician employed by PrimeCare. The claim asserted against this Defendant is for her direct negligence as stated more fully herein. A Certificate of Merit pursuant to Pennsylvania Rule of Civil Procedure (“Pa. R. Civ. P.”) 1042.3 regarding the treatment, practice or work of this Defendant is attached hereto as Exhibit G.

22. Defendant, Albert Einstein Healthcare Network a/k/a Einstein Healthcare Network (herein “Defendant Albert Einstein Healthcare Network”), is a corporation or other jural entity organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania and with a business address at 5501 Old York Road, Philadelphia, Pennsylvania

19141. The claim asserted against this Defendant is for the professional negligence of its actual and/or ostensible agents, servants, and/or employees, and for its direct negligence as stated more fully herein. A Certificate of Merit pursuant to Pennsylvania Rule of Civil Procedure (“Pa. R. Civ. P.”) 1042.3 regarding the treatment, practice or work of this Defendant is attached hereto as Exhibit H.

23. Defendant, Einstein Medical Center Montgomery a/k/a Albert Einstein Medical Center Montgomery a/k/a Albert Einstein Medical Center – Montgomery (herein “Defendant Einstein Medical Center Montgomery”), is a corporation or other jural entity organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania and with a business address at 559 West Germantown Pike, East Norriton, Pennsylvania 19403. The claim asserted against this Defendant is for the professional negligence of its actual and/or ostensible agents, servants, and/or employees, and for its direct negligence as stated more fully herein. A Certificate of Merit pursuant to Pennsylvania Rule of Civil Procedure (“Pa. R. Civ. P.”) 1042.3 regarding the treatment, practice or work of this Defendant is attached hereto as Exhibit I.

24. At all times material hereto, Defendant Montgomery County owned, operated, maintained, was responsible for, and/or otherwise controlled MCCF.

25. At all relevant times hereto, Defendant Montgomery County had a duty to provide timely and proper medical care to inmates under their control.

26. At all times relevant hereto, Defendant PrimeCare was acting by and through its actual and/or ostensible agents, servants, and/or employees including Dr. Margaret Carrillo, Claudette Foster, R.N., Thomas Reese, R.N., Judith McIlhorne, R.N., Sherri Jones, M.A., and other physicians, nurses, therapists, technicians, and/or medical practice personnel whose activities and conduct with regard to the medical care and treatment provided to Terrence T.

Taylor are presently known only to the Defendants, but not to Plaintiff, after reasonable investigation and in the absence of complete discovery.

27. At all times material hereto, Defendant PrimeCare was liable for the negligent acts and/or omissions of Dr. Margaret Carrillo, Claudette Foster, R.N., Thomas Reese, R.N., Judith McIlhorne, R.N., Sherri Jones, M.A., and other physicians, nurses, therapists, technicians, and/or medical practice personnel whose activities and conduct with regard to the medical care and treatment provided to Terrence T. Taylor are presently known only to the Defendants, but not to Plaintiff, after reasonable investigation and in the absence of complete discovery, under theories of agency, master-servant, *respondeat superior*, and/or control or right of control.

28. At all times material hereto, Defendant PrimeCare and its actual and/or ostensible agents, servants, and/or employees, as identified herein, were engaged in the practice of medicine and/or nursing, and were obligated to bring to bear in the practice of their respective professions the professional skill, knowledge, and care that they possessed, and to pursue their professions in accordance with reasonably safe and acceptable standards of medicine and nursing in general, and in their particular specialties.

29. At all times relevant hereto, Defendants, Albert Einstein Healthcare Network and Einstein Medical Center Montgomery (collectively “the Einstein Defendants”), were acting by and through their actual and/or ostensible agents, servants, and/or employees, including physicians, nurses, therapists, technicians, and/or medical practice personnel whose activities and conduct with regard to the medical care and treatment provided to Terrence T. Taylor are presently known only to the Defendants, but not to Plaintiff, after reasonable investigation and in the absence of complete discovery.

30. At all times material hereto, the Einstein Defendants were liable for the negligent acts and/or omissions of their actual and/or ostensible agents, servants, and/or employees, including physicians, nurses, therapists, technicians, and/or medical practice personnel whose activities and conduct with regard to the medical care and treatment provided to Terrence T. Taylor are presently known only to the Defendants, but not to Plaintiff, after reasonable investigation and in the absence of complete discovery, under theories of agency, master-servant, *respondeat superior*, and/or control or right of control.

31. At all times material hereto, the Einstein Defendants and their actual and/or ostensible agents, servants, and/or employees were engaged in the practice of medicine and/or nursing, and were obligated to bring to bear in the practice of their respective professions the professional skill, knowledge, and care that they possessed, and to pursue their professions in accordance with reasonably safe and acceptable standards of medicine and nursing in general, and in their particular specialties.

32. At all times relevant to this Complaint, Defendant Medical John Does 1-10, were medical professionals employed by Defendant PrimeCare and/or the Einstein Defendants assigned to provide medical services at MCCF and/or the Einstein Defendants. Plaintiff does not presently know the names of these defendants but will seek leave to amend the Complaint so as to name each appropriate defendant after additional discovery.

33. At all times relevant to this Complaint, Defendant Correctional Officer John Does 1-10, were correctional officers or supervisors employed by Defendant Montgomery County to work at MCCF. Plaintiff does not presently know the names of these defendants but will seek leave to amend the Complaint so as to name each appropriate defendant after additional discovery.

JURISDICTION AND VENUE

34. The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as Plaintiff's claims arise under the United States Constitution and 42 U.S.C. § 1983. The Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.

35. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391(b) because one or more of the Defendants reside in this district, all Defendants are residents of the Commonwealth of Pennsylvania, and a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

OPERATIVE FACTS

36. The preceding paragraphs and allegations stated above are incorporated by reference as though fully set forth herein.

37. The decedent, Terrence T. Taylor, was incarcerated at MCCF beginning on May 24, 2017 for a probation violation.

38. On the morning of October 28, 2017, Mr. Taylor was an otherwise healthy individual and participated in the prison's work release program. He was housed in housing unit S3.

39. On October 28, 2017, Mr. Taylor injured his left shoulder. He was taken to MCCF main medical triage by Defendant Monteith, and evaluated by a PrimeCare physician, Dr. Margaret Carrillo. As part of his evaluation his blood pressure was taken.

40. As a result of his evaluation, Mr. Taylor was sent to the Emergency Department ("ED") of Defendant Einstein Medical Center Montgomery for further evaluation and treatment. Mr. Taylor departed MCCF at approximately 12:24 and was transported to the hospital by Defendant Ferrell.

41. At the time of Mr. Taylor's transport to the hospital he was ambulatory and did not require any assistance.

42. In the emergency department of Einstein Medical Center Montgomery, Mr. Taylor was diagnosed with a closed dislocation of the left shoulder girdle, was supplied a sling, and was given Percocet for pain at 13:30. Mr. Taylor was discharged with a prescription for Naproxen (Naprosyn), one 375 mg oral tablet twice per day as needed for pain.

43. Mr. Taylor returned to MCCF at approximately 15:30.

44. Upon arrival at the medical department of MCCF, Mr. Taylor was seen by a PrimeCare nurse, Claudette Foster, R.N., and was then taken by Defendant Monteith to the Community Corrections Center booking area at approximately 15:37 to provide a urine sample.

45. Defendants Ferrell, Christy, Monteith, and Stimson were on assignment and/or present in the Community Corrections Center booking area during the time frame of approximately 15:37 to 18:10 when Mr. Taylor was present therein.

46. At approximately 15:37, Mr. Taylor was pacing in the waiting area with his shoulder in a sling. At approximately 15:40, Mr. Taylor was drinking a beverage and entered the restroom in the Community Corrections Center booking area.

47. At approximately 16:12, Mr. Taylor exited the restroom and then re-entered the restroom. At approximately 16:13, Mr. Taylor exited the restroom and was given another beverage by Defendant Ferrell. He then returned to the restroom with the door open.

48. At approximately 16:29, Mr. Taylor exited the restroom. At approximately 16:30, Mr. Taylor entered the restroom and closed the door.

49. At approximately 16:40, Mr. Taylor opened the restroom door and sat on a chair in the restroom.

50. At approximately 17:17, Mr. Taylor exited the restroom wiping his face and then re-entered the restroom with a beverage, leaving the door open.

51. At approximately 17:19, Mr. Taylor exited the restroom and sat down in a chair.

52. At approximately 17:28, Mr. Taylor informed Defendant Christy that he was given Percocet at the hospital. Defendant Monteith was advised thereof at approximately 17:30 when he entered the Community Corrections Center booking area.

53. At approximately 17:45, Mr. Taylor vomited. Defendant Christy asked him if he was “ok” and received no response.

54. During the time that Mr. Taylor was in the Community Corrections Center booking area, Defendant Ferrell reported that Mr. Taylor appeared “lethargic and disoriented” and observed that Mr. Taylor had vomited in the toilet.

55. At approximately 17:50, Mr. Taylor entered the restroom. At approximately 17:53, Defendant Ferrell checked on Mr. Taylor in the restroom.

56. At approximately 18:04, video shows Mr. Taylor exit the restroom and fall to the floor. Mr. Taylor is in severe distress, disoriented, unable to stand, and covered in his own vomit. Defendants Ferrell and Stimson need to physically lift him up to place him in a chair.

57. During this time, Mr. Taylor is seated in a chair, restless and trying to move forward as Defendants Ferrell and Stimson hold him in place.

58. Records produced indicate that, at approximately 18:04, PrimeCare employee Nurse Foster, spoke with someone from Defendant Einstein Medical Center Montgomery who confirmed Mr. Taylor been given Percocet, at the hospital, and could be having a reaction to the medication. Nurse Foster advised Defendant Christy of this information. When Defendant Christy told Nurse Taylor that Mr. Taylor was vomiting, she replied it was “probably an allergic

reaction.”

59. Mr. Taylor continues to vomit on himself and unable to support himself.

60. At approximately 18:08, Mr. Taylor’s head is seen rolling back and correctional officers were lifting and supporting his head.

61. At approximately 18:10, due to Mr. Taylor’s continued display of an obvious and serious medical condition, Mr. Taylor was lifted into a wheelchair and was taken from the Community Corrections Center booking area to the PrimeCare medical unit by Defendants Lehman, Ferrell, and Hoffman.

62. Upon arrival at PrimeCare medical unit, Mr. Taylor’s signs and symptoms of a serious medical condition include: excessive vomiting, lethargy, slurred speech, confusion, disorientation, agitation, possible allergic reaction, and inability to support his own weight.

63. Mr. Taylor was alternately described in PrimeCare records as having been returned to main medical triage due to reports of acting bizarre, vomiting and crawling on the facility floor.

64. Defendant correctional staff members Stevenson, Slaymaker, Meehan, Izzard, Lehman, Baratucci, and Keefer were on assignment and/or present in the PrimeCare medical unit during the time frame of approximately 18:10 to 21:20.

65. From approximately 18:10 through 18:41, Mr. Taylor was seated in a wheelchair in the middle of the PrimeCare medical unit. Mr. Taylor was accompanied by two correctional officers until around 18:30. A trashcan was placed at his feet.

66. Mr. Taylor continued to demonstrate signs of a serious medical issue, including agitation, restlessness, falling forward, and even falling out of the wheelchair and having to be physically placed back into the wheelchair. At times, Mr. Taylor’s head was being held up by a

correctional officer.

67. Video evidence shows a PrimeCare nurse approached Mr. Taylor with a blood pressure cuff but didn't place it on him, or otherwise use it to check his blood pressure, despite clear and obvious signs of a serious medical issue.

68. At approximately 18:41, Mr. Taylor was wheeled out of view of the video camera.

69. According to documents produced by Defendant Montgomery County, at approximately 18:50, Mr. Taylor entered Medical Housing Unit M1-517, escorted by Defendants Lehman and Izzard, "for observation." Defendants Lehman, Stevenson, Meehan, and Hoffman moved Mr. Taylor from his wheelchair to the bunk, laying him on his back.

70. According to documents produced by Defendant Montgomery County, Defendants Stevenson, Slaymaker, Meehan, Izzard and PrimeCare employee Nurse Reese toured the medical unit between 18:41 when Mr. Taylor was moved to the medical unit cell through 21:20 when Mr. Taylor was found unresponsive in his cell.

71. According to documents produced by Defendant Montgomery County, inmates in the medical unit are supposed to be checked every fifteen (15) minutes by medical and correctional staff for the well-being of the inmates.

72. The video evidence between 18:41 through 21:20, when Mr. Taylor was found unresponsive, was destroyed by the Defendants Montgomery County.

73. During the 18:41 through 21:20 time period, Mr. Taylor continued to demonstrate clear and obvious signs and symptoms indicating a life-threatening medical issue.

74. Upon information and belief, Mr. Taylor was not checked by any correctional staff or PrimeCare employees between 18:41 and 21:20.

75. During the 18:41 through 21:20 time period, other inmates, including Brian Devine and Richard Pasquarello, housed in the medical unit, observed Mr. Taylor suffering from a clear and obvious serious medical issue.

76. During this time, other inmates observed Mr. Taylor on the floor of his cell, crawling in circles, his eyes partially closed, struggling to breathe, and exhibiting other signs and symptoms of a life-threatening medical issue.

77. Other inmates, despite not having medical training, recognized Mr. Taylor was suffering from an obvious and serious life-threatening medical issue that required immediate care.

78. As a result of their observations of Mr. Taylor, other inmates notified the Correctional Officers and Staff of the need for immediate intervention by knocking on the glass window partition of the medical unit, screaming for help, and attempting to draw attention to Mr. Taylor.

79. While Mr. Taylor continued to exhibit signs and symptoms of a serious medical issue, Correction Officers and Staff responded to the concerns of the inmates by telling them “get the fuck away from his(Taylor) cell,” and “don’t tell me how to do my job,” and to “mind your business.”

80. Inmates continued to observe Mr. Taylor’s decline and notified the correction officers and staff that Taylor was no longer breathing.

81. At 21:20, Defendant Baratucci, the first level medical unit housing officer, first reported that inmates notified her inmate Taylor is not moving.

82. At approximately 21:21, Defendant Stevenson was told to “check on” Mr. Taylor.

83. Thereafter, Mr. Taylor was found lying unresponsive on the floor of his cell. A

medical emergency was finally called and PrimeCare medical staff members initiated CPR.

84. At approximately 21:32, an AED was applied but did not indicate a shock for Mr. Taylor.

85. EMS was called at 21:29 and arrived at MCCF at 21:34 to find Mr. Taylor supine on the floor in his cell, unconscious, unresponsive, pulseless, and apneic. Cardiac arrest was confirmed.

86. EMS departed MCCF for Einstein Medical Center Montgomery at 21:49, arriving at the hospital at 21:58 at which time Mr. Taylor was in complete cardiac arrest.

87. Mr. Taylor was pronounced dead by hospital staff at 22:06.

88. An autopsy was performed on Mr. Taylor on October 29, 2017, and cause of death was found to be dysrhythmia (ventricular fibrillation) due to cardiomegaly, with bifid cardiac apex.

89. All of the aforementioned correctional officers knew that Mr. Taylor had a constitutional right to prompt medical care in light of his serious medical condition.

90. All of the aforementioned correctional officers knew that their conduct of failing to provide or obtain prompt medical care was unlawful and violative of the constitutional rights of Mr. Taylor.

91. While in the Community Corrections Center booking area and the PrimeCare medical unit and Medical Housing Unit cell, Mr. Taylor was suffering from a severe and worsening medical condition.

92. Defendants Ferrell, Christy, Monteith, Stimson, Lehman, and Hoffman knew Mr. Taylor was experiencing a serious and worsening medical condition when in the Community Corrections Center booking area based on Mr. Taylor's above-described symptoms and their

above-described interactions with him.

93. Defendants Ferrell, Christy, Monteith, Stimson, Lehman, and Hoffman and PrimeCare medical staff who were on assignment and/or present in the Community Corrections Center booking area during the time frame of approximately 15:37 to 18:10 when Mr. Taylor was present therein intentionally denied and/or delayed Mr. Taylor's access to medical care by delaying and/or failing to respond to their own observations of his serious and worsening medical condition.

94. Defendants Stevenson, Slaymaker, Meehan, Izzard, Lehman, Baratucci, and Keefer knew Mr. Taylor was experiencing a serious and worsening medical condition when he was in the PrimeCare medical unit and the Medical Housing Unit based on Mr. Taylor's above-described symptoms and their above-described interactions with him.

95. The MCCF correctional supervisors and officers failed to respond in a timely manner to Mr. Taylor's severe and worsening medical condition.

96. All Defendants failed to provide medical treatment to Mr. Taylor when he was in the PrimeCare medical unit and Medical Housing Unit despite the serious and worsening changes in Mr. Taylor's condition and the onset of new signs and symptoms of a serious medical condition after he returned from the hospital.

97. The correctional supervisors and officers at MCCF and the practitioners of correctional healthcare at PrimeCare knew or should have known of the serious and worsening medical condition suffered by Mr. Taylor.

98. Every correctional officer and staff member mentioned above knew or had reason to believe that PrimeCare, by and through its agents, servants, and employees, were mistreating Mr. Taylor.

99. The seriousness of the Mr. Taylor's medical issue, while in the medical unit, was so clear and obvious that other inmates recognized the same and desperately tried to get him medical attention, to no avail.

100. All of the correctional officers and staff inside the medical unit disregarded the other inmates requests for medical help for Mr. Taylor.

101. Mr. Taylor received no continuing medical care, and in fact received no medical care at all, from any of the Defendants during the time that he was in the PrimeCare medical unit and his cell in the Medical Housing Unit prior to being found unresponsive at 21:24.

102. Despite knowing of the risk of serious injury or death due to the failure to provide timely medical treatment to Mr. Taylor, the Defendants continued to deny such treatment. Instead, Mr. Taylor was left in a cell to die.

103. Records produced by Defendants Montgomery County and PrimeCare do not reflect any treatment or evaluation of Mr. Taylor during his time in the PrimeCare medical unit or a cell in the Medical Housing Unit prior to being found unresponsive.

104. PrimeCare and its employee medical providers including Dr. Margaret Carrillo, Claudette Foster, R.N., Thomas Reese, R.N., Judith McIlhorne, R.N., and Sherri Jones, M.A., did not provide any treatment or evaluation of Mr. Taylor during his time in the PrimeCare medical unit or his cell in the Medical Housing Unit prior to being found unresponsive.

105. Defendants Ferrell, Christy, Monteith, Stimson, Lehman, Hoffman, Stevenson, Slaymaker, Meehan, Izzard, Baratucci, and Keefer knew or had a reason to believe that the PrimeCare medical staff were not treating Mr. Taylor.

106. Defendants Ferrell, Christy, Monteith, Stimson, Lehman, Hoffman, Stevenson, Slaymaker, Meehan, Izzard, Baratucci, and Keefer knew that Mr. Taylor was in distress and

personally observed Mr. Taylor suffering from symptoms of a serious medical condition for which he was not receiving medical care.

107. Defendants Stevenson, Slaymaker, Meehan, Izzard, Lehman, Baratucci, and Keefer and PrimeCare medical staff who were on assignment and/or present in the PrimeCare medical unit during the time frame of approximately 18:10 to 21:20 intentionally denied and/or delayed Mr. Taylor's access to medical care by failing to respond to their own observations of his serious and worsening medical condition.

108. Defendants Stevenson, Slaymaker, Meehan, Izzard, Lehman, Baratucci, and Keefer and PrimeCare medical staff who were on assignment and/or present in the PrimeCare medical unit failed to respond to the medical emergency calls of Mr. Taylor's fellow inmates.

109. Defendants Stevenson, Slaymaker, Meehan, Izzard, Lehman, Baratucci, and Keefer and PrimeCare medical staff who were on assignment and/or present in the PrimeCare medical unit failed to perform fifteen (15) minutes check on Mr. Taylor to assess his continued life-threatening medical condition.

110. Defendants Ferrell, Christy, Monteith, Stimson, Lehman, Hoffman, Stevenson, Slaymaker, Meehan, Izzard, Baratucci, and Keefer failed to communicate Mr. Taylor's serious and worsening medical condition to medical staff.

111. All Defendants failed to promptly request emergency transport to return Mr. Taylor to the ED after he exhibited signs and symptoms of a serious medical issue, including suspected allergic reaction.

112. All Defendants failed to provide prompt medical attention and treatment to Mr. Taylor.

113. As a direct and proximate result of the Defendants' unreasonable, unjustifiable and unconstitutional conduct, Terrence T. Taylor was caused to suffer the following:

- a. Severe symptoms of a serious medical condition resulting in cardiac arrest;
- b. Nausea;
- c. Uncontrolled vomiting;
- d. Disorientation, confusion, and incoherence;
- e. Unsteadiness and failure to support own head and body weight;
- f. Agitation and restlessness;
- g. Difficulty breathing;
- h. Lack of oxygen;
- i. Pain and suffering;
- j. Emotional distress;
- k. Mental anguish;
- l. Embarrassment;
- m. Disfigurement;
- n. Loss of life's pleasures;
- o. Cardiac arrest; and
- p. Death.

114. Terrence T. Taylor, deceased, left surviving him one minor daughter, S.T., who is his sole beneficiary under the Wrongful Death Act.

115. As a result of the conduct of the Defendants, as set forth herein, Terrence T. Taylor, deceased, was caused grave injuries and death resulting in the entitlement to damages by his beneficiary under the Wrongful Death Act.

116. Plaintiff, Michael F. Rogers, Esquire, Administrator of the Estate of Terrence T. Taylor, deceased, claims all expenses recoverable under the Wrongful Death Act, including, but not limited to, damages for medical, funeral and burial expenses and expenses of administration necessitated by reason of the injuries causing Terrence T. Taylor's death.

117. On behalf of the Wrongful Death Act beneficiary, Plaintiff claims damages for monetary support that the decedent would have provided to the beneficiary during her lifetime, including, but not limited to, the support provided, or which could have been expected to have been provided, to the beneficiary.

118. On behalf of the Wrongful Death Act beneficiary, Plaintiff claims damages for services provided or which could have been expected to have been provided in the future.

119. On behalf of the Wrongful Death Act beneficiary, Plaintiff claims damages for all pecuniary loss suffered by the beneficiary.

120. On behalf of the Wrongful Death Act beneficiary, Plaintiff claims damages for all loss of consortium, comfort, society, guidance, and tutelage that the beneficiary may have received from the decedent if not for the decedent's untimely death.

121. On behalf of the Wrongful Death Act beneficiary, Plaintiff claim the full measure of damages allowed under the Wrongful Death Act of Pennsylvania and the decisional law interpreting said Act.

122. Plaintiff, Michael F. Rogers, Esquire, Administrator of the Estate of Terrence T. Taylor, deceased, is entitled to bring this action on behalf of the Estate of Terrence T. Taylor under and by virtue of the Survival Act, 42 Pa. C.S. § 8302, the decisional law interpreting said Act, and the applicable Rules of Civil Procedure, which provide for the survivability of causes of action.

123. As a result of the conduct of all of the Defendants, as set forth herein, Terrence T. Taylor was caused grave injuries and death, resulting in the entitlement to damages by his Estate under the Survival Act.

124. As a result of the death of Terrence T. Taylor, his Estate has been deprived of the economic value of his life expectancy, and Plaintiff claims under the Survival Act damages for all pecuniary losses suffered by the Estate as a result of the decedent's death, including all loss of income, earnings, retirement income, benefits, and Social Security income.

125. Plaintiff further claims under the Survival Act the total amount that the decedent would have earned in the future, minus the costs of personal maintenance.

126. Plaintiff further claims under the Survival Act damages for the conscious pain and suffering endured by the decedent prior to his death, including physical and mental pain and suffering leading to the decedent's death.

127. Plaintiff further claims under the Survival Act all damages recoverable pursuant to 42 Pa. C.S. § 8302 and the decisional law interpreting said Act.

DESTRUCTION OF EVIDENCE

128. MCCF had video camera coverage of the Medical Housing Unit and cell, M1-517, where Mr. Taylor was placed and later found unresponsive on October 28, 2017, for the time period of 18:41-21:20.

129. On December 21, 2017, MCCF Warden Julio M. Algarin was informed of an obligation to preserve all video from October 28, 2017 relating to Mr. Taylor.

130. During pre-complaint discovery, Plaintiff's counsel specifically requested the video camera evidence for the medical housing unit and cell, including M1-517, where Mr. Taylor was placed for "observation" before being found unresponsive.

131. During pre-complaint discovery, records produced by Defendants indicate that the video footage from the critical time period of 18:41, when Mr. Taylor was moved to the medical unit cell, through 21:20, when he was found unresponsive, was preserved and secured as evidence.

132. Despite multiple efforts to review this video with the County Solicitor's Office, the video footage from the critical time period of 18:41, when Mr. Taylor was moved to the medical unit cell, through 21:20 when Mr. Taylor was found unresponsive in his cell, was destroyed.

133. Due to Defendant Montgomery County's destruction of this critical video evidence, from the M-1 Dayroom Camera and from the Medical Housing Unit for the time period from 18:41 through 21:20 on October 28, 2017, no video evidence now exists of the outside of Mr. Taylor's cell and the surrounding area during this critical time period prior to his death.

COUNT I – CIVIL RIGHTS- 42 U.S.C. § 1983

**Plaintiff, Michael F. Rogers, Esquire, Administrator of the Estate of Terrence T. Taylor,
Deceased v. Defendants Christy, Ferrell, Stimson, Meehan, Hoffman, Stevenson,
Slaymaker, Lehman, Monteith, Izzard, Baratucci, and Keefer, Montgomery County, and
Correctional Officer John Does 1-10**

134. The preceding paragraphs and allegations are incorporated by reference as though fully set forth herein.

135. Defendants in all of their actions and inactions described herein with regard to Terrence T. Taylor were all acting under the color of state law.

136. Defendants were deliberately indifferent to Terrence T. Taylor's serious medical needs and thereby violated Mr. Taylor's right to be free from cruel and unusual punishment under the Eighth Amendment to the United States Constitution.

137. Defendants herein deprived Terrence T. Taylor of his constitutionally guaranteed liberty interest by violating his right to due process of law under the Fourteenth Amendment to the United States Constitution.

138. Defendants were aware that Plaintiff's decedent had clearly established constitutional rights to bodily integrity and medical care for his serious medical needs.

139. Defendants' conduct, as set forth above, demonstrates that the harm caused to Plaintiff's decedent was a foreseeable and direct result of the Defendants' conduct.

140. Defendants' conduct, as set forth above, demonstrates that the Defendants acted with deliberate indifference and conscious disregard of the great risk of serious harm to Plaintiff's decedent.

141. Defendants' conduct, as set forth above, violated Terrence T. Taylor's constitutional rights, as guaranteed by the United States and Pennsylvania Constitutions, and remediable under 42 U.S.C. § 1983.

142. As a direct and proximate result of the Defendants' unreasonable, unjustifiable and unconstitutional conduct, Plaintiff's decedent was caused to suffer the injuries described herein, including his death.

WHEREFORE, Plaintiff demands judgment against Defendants Christy, Ferrell, Stimson, Meehan, Hoffman, Stevenson, Slaymaker, Lehman, Monteith, Izzard, Baratucci, and Keefer, Montgomery County, and Correctional Officer John Does 1-10, for all damages provided under the Pennsylvania Survival and Wrongful Death Acts, jointly and severally, together with attorney's fees and costs, and pre- and post-judgment interest and any all relief available pursuant to 42 U.S.C. § 1983.

COUNT II – CIVIL RIGHTS

**Plaintiff, Michael F. Rogers, Esquire, Administrator of the Estate of Terrence T. Taylor,
Deceased v. Defendant Montgomery County**

143. The preceding paragraphs and allegations are incorporated by reference as though fully set forth herein.

144. Defendant's conduct, as set forth above, evinces a violation of Plaintiff's decedent's constitutional rights, including those guaranteed by the Eight and Fourteenth Amendments to the United States Constitution.

145. Defendant's conduct, as set forth above, demonstrates that Defendant Montgomery County failed to properly train, and/or failed to have a proper policy regarding training of correctional supervisors and officers and medical providers on the appropriate treatment and monitoring of individuals experiencing serious medical conditions such as that experienced by Terrence T. Taylor, thereby depriving Plaintiff's decedent of his constitutional rights.

146. Defendant's conduct, as set forth above, demonstrates that Defendant Montgomery County failed to properly supervise and/or monitor, and/or failed to have a proper policy regarding supervising and/or monitoring, correctional supervisors and officers and medical providers on the appropriate treatment and monitoring of individuals experiencing serious medical conditions such as that experienced by Terrence T. Taylor, thereby depriving Plaintiff's decedent of his constitutional rights.

147. Defendant's conduct, as set forth above, demonstrates that Defendant Montgomery County failed to train, monitor, and supervise correctional supervisors and officers and medical providers to timely respond and treat individuals experiencing serious medical conditions such as that experienced by Terrence T. Taylor, thereby depriving Plaintiff's decedent

of his constitutional rights.

148. The above-referenced actions are outrageous, egregious, and conscience-shocking, and rise to a level of intention to cause harm.

149. As a direct and proximate result of the Defendant's unreasonable, unjustifiable and unconstitutional conduct, Plaintiff's decedent was caused to suffer serious injuries including death.

WHEREFORE, Plaintiff demands judgment against Defendant Montgomery County for all damages provided under the Pennsylvania Survival and Wrongful death acts, jointly and severally, together with attorney's fees and costs, and pre- and post-judgment interest.

COUNT III – State Law Medical Negligence

Plaintiff, Michael F. Rogers, Esquire, Administrator of the Estate of Terrence T. Taylor, Deceased v. Defendants PrimeCare, Dr. Margaret Carrillo, Claudette Foster, R.N., Thomas Reese, R.N., Judith McIlhorne, R.N., Sherri Jones, M.A., and Medical John Does 1-10

150. PrimeCare and its employee medical providers including Dr. Margaret Carrillo, Claudette Foster, R.N., Thomas Reese, R.N., Judith McIlhorne, R.N., Sherri Jones, M.A., and Medical John Does 1-10 had a duty to comply with generally accepted medical standards of care in their medical treatment of Terrence T. Taylor.

151. Defendant PrimeCare, directly and by and through its agents, servants, and employees, had a duty to assess, evaluate, diagnosis, monitor, transfer, and otherwise provide prompt medical treatment to inmates of MCCF experiencing a serious medical condition, like Terrence T. Taylor.

152. Defendant PrimeCare, directly and by and through its agents, servants, and employees, violated its duty of care to Terrence T. Taylor by failing to assess, evaluate,

diagnose, monitor, transfer, and otherwise provide appropriate medical treatment in light of the circumstances.

153. Defendant PrimeCare failed to hire, select, retain, and properly supervise competent medical professionals to provide medical care to inmates experiencing a life-threatening condition, like Terrence T. Taylor.

154. Defendant PrimeCare failed to establish and/or follow policies, practices and procedures to ensure that inmates admitted to MCCF experiencing a serious medical condition, like Terrence T. Taylor, received proper and timely treatment.

155. Defendant PrimeCare, directly and by and through its agents, servants, and employees, violated its duty of care by failing to request an immediate medical transport to the Emergency Department in light of the circumstances.

156. PrimeCare's violation of its duty of care to Terrence T. Taylor was a direct and proximate cause and a substantial factor in bringing about Terrence T. Taylor's death.

WHEREFORE, Plaintiff demands judgment against Defendants PrimeCare, Dr. Margaret Carrillo, Claudette Foster, R.N., Thomas Reese, R.N., Judith McIlhorne, R.N., Sherri Jones, M.A., and Medical John Does 1-10 for all damages provided under the Pennsylvania Survival and Wrongful death acts, jointly and severally, together with attorney's fees and costs, and pre- and post-judgment interest.

COUNT IV – State Law Medical Negligence

Plaintiff, Michael F. Rogers, Esquire, Administrator of the Estate of Terrence T. Taylor, Deceased v. Defendants Albert Einstein Healthcare Network and Einstein Medical Center Montgomery

157. Defendants, Albert Einstein Healthcare Network and Einstein Medical Center Montgomery, directly and by and through their agents, servants, and employees, including Medical John Does 1-10, had a duty to comply with generally accepted medical standards of care in their medical treatment of Terrence T. Taylor.

158. Defendants, Albert Einstein Healthcare Network and Einstein Medical Center Montgomery, had a duty to provide appropriate medical advice to PrimeCare medical professionals inquiring with Defendants, Albert Einstein Healthcare Network and Einstein Medical Center Montgomery, regarding the health status of an inmate, like Terrence T. Taylor.

159. When contacted by Defendant PrimeCare concerning the change in condition in Mr. Taylor post-discharge, Defendants, Albert Einstein Healthcare Network and Einstein Medical Center Montgomery, had a duty to inform the medical providers of PrimeCare that Terrence Taylor, who was believed to be suffering from a serious medical event, i.e. an allergic reaction, should be immediately returned to the Emergency Department for evaluation.

160. Defendants, Albert Einstein Healthcare Network and Einstein Medical Center Montgomery, by and through their agents, servants, and employees, violated their duty of care to Terrence T. Taylor by failing to make appropriate medical treatment recommendations when contacted by Defendant PrimeCare.

161. Defendants, Albert Einstein Healthcare Network and Einstein Medical Center Montgomery, failed to establish and/or follow policies, practices and procedures regarding communication by and between their agents, servants, and employees and Defendant PrimeCare

regarding the medical conditions of inmates at MCCF, including patients like Terrence T. Taylor.

162. Defendants, Albert Einstein Healthcare Network and Einstein Medical Center Montgomery's violation of their duty of care to Terrence T. Taylor was a direct and proximate cause and a substantial factor in bringing about Terrence T. Taylor's death.

WHEREFORE, Plaintiff demands judgment against Defendants, Albert Einstein Healthcare Network and Einstein Medical Center Montgomery, for all damages provided under the Pennsylvania Survival and Wrongful death acts, jointly and severally, together with attorney's fees and costs, and pre- and post-judgment interest.


DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all counts and all issues raised by this Complaint.

Respectfully submitted,

KLINE & SPECTER, P.C.

BY:



SHANIN SPECTER, ESQUIRE
COLIN BURKE, ESQUIRE
1525 Locust Street, 19th Floor
Philadelphia, Pennsylvania 19102
215-772-1000
Attorneys for Plaintiff

DATED: _____

10/22/19

EXHIBIT

A

**Register of Wills
Certificate of Grant of Letters**

File No. 46-2017-X4552

SEAL

ESTATE OF TERRENCE T TAYLOR

Also known as (no aliases)

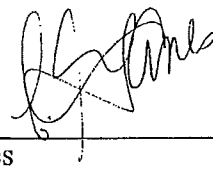
Social Security No. 199-74-6726

WHEREAS, TERRENCE T TAYLOR late of ABINGTON TOWNSHIP who died on 28th day of October 2017 and

WHEREAS, the grant of letters is required for the administration of the estate.

THEREFORE, I, D. Bruce Hanes, Register of Wills in and for the County of Montgomery, in the Commonwealth of Pennsylvania, hereby certify that I have this day granted Letters of Administration to MICHAEL F ROGERS who has duly qualified as ADMINISTRATOR of the estate of the above named decedent and has agreed to administer the estate according to law, all of which fully appears of record in my Office at Norristown, Pennsylvania.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my Office on this 15th day of December 2017.



D. Bruce Hanes
Montgomery County Register of Wills

EXHIBIT

B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL F. ROGERS, ESQUIRE
Administrator of the Estate of
TERRENCE T. TAYLOR, deceased
510 Township Line Road, Suite 150
Blue Bell, Pennsylvania 19422

Plaintiff,

NO.

v.

MONTGOMERY COUNTY
One Montgomery Plaza
425 Swede Street
Norristown, Pennsylvania 19401

AND

CORRECTIONAL OFFICER
BRIAN CHRISTY
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORRECTIONAL OFFICER
GREGORY FERRELL
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORRECTIONAL OFFICER
THOMAS STIMSON
c/o Montgomery County Correctional Facility
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AND

CORPORAL TYRA IZZARD
c/o Montgomery County Correctional Facility
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Eagleville, Pennsylvania 19403

AND

PRIMECARE MEDICAL, INC.
3940 Locust Lane
Harrisburg, Pennsylvania 17109

AND

CLAUDETTE FOSTER, R.N.
c/o PrimeCare Medical, Inc.
3940 Locust Avenue
Harrisburg, Pennsylvania 17109

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THOMAS REESE, R.N.
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DR. MARGARET CARRILLO
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AND

ALBERT EINSTEIN HEALTHCARE NETWORK
a/k/a EINSTEIN HEALTHCARE NETWORK
5501 Old York Road
Philadelphia, Pennsylvania 19141

AND

EINSTEIN MEDICAL CENTER MONTGOMERY
a/k/a ALBERT EINSTEIN MEDICAL CENTER
MONTGOMERY a/k/a ALBERT EINSTEIN
MEDICAL CENTER – MONTGOMERY
559 West Germantown Pike
East Norriton, Pennsylvania 19403

AND

MEDICAL JOHN DOES 1-10
c/o PrimeCare Medical, Inc.
3940 Locust Lane
Harrisburg, Pennsylvania 17109

AND

CORRECTIONAL OFFICER JOHN DOES 1-10
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT
PRIMECARE MEDICAL, INC.

I, Colin Burke, Esquire, hereby certify that:

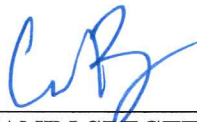
- ☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.
- ☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.
- ☒ The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

KLINE & SPECTER, P.C.

BY:



SHANIN SPECTER, ESQUIRE
COLIN BURKE, ESQUIRE
Attorneys for Plaintiff

DATED:

10/22/19

EXHIBIT

C

CORRECTIONAL OFFICER
JAMES MEEHAN
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

AND

CORRECTIONAL OFFICER
MELVIN HOFFMAN
c/o Montgomery County Correctional Facility
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CORPORAL TYRA IZZARD
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AND

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3940 Locust Lane
Harrisburg, Pennsylvania 17109

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c/o PrimeCare Medical, Inc.
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a/k/a EINSTEIN HEALTHCARE NETWORK
5501 Old York Road
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AND

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a/k/a ALBERT EINSTEIN MEDICAL CENTER
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3940 Locust Lane
Harrisburg, Pennsylvania 17109

AND

CORRECTIONAL OFFICER JOHN DOES 1-10
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT
CLAUDETTE FOSTER, R.N.

I, Colin Burke, Esquire, hereby certify that:

☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

KLINE & SPECTER, P.C.

BY: 

SHANIN SPECTER, ESQUIRE
COLIN BURKE, ESQUIRE
Attorneys for Plaintiff

DATED: 10/22/19

EXHIBIT

D

AND

NO.

CORRECTIONAL OFFICER
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AND

CORRECTIONAL OFFICER JOHN DOES 1-10
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT
THOMAS REESE, R.N.

I, Colin Burke, Esquire, hereby certify that:

☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

KLINE & SPECTER, P.C.

BY:



SHANIN SPECTER, ESQUIRE
COLIN BURKE, ESQUIRE
Attorneys for Plaintiff

DATED:

10/22/19

EXHIBIT

E

CORRECTIONAL OFFICER :
JAMES MEEHAN :
c/o Montgomery County Correctional Facility :
60 Eagleville Road :
Eagleville, Pennsylvania 19403 :

AND :

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AND

CORRECTIONAL OFFICER JOHN DOES 1-10
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT
JUDITH MCILHORNE, R.N.

I, Colin Burke, Esquire, hereby certify that:

☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.


☐ The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

KLINE & SPECTER, P.C.

BY:



SHANIN SPECTER, ESQUIRE
COLIN BURKE, ESQUIRE
Attorneys for Plaintiff

DATED:

10/22/19

EXHIBIT

F

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL F. ROGERS, ESQUIRE
Administrator of the Estate of
TERRENCE T. TAYLOR, deceased
510 Township Line Road, Suite 150
Blue Bell, Pennsylvania 19422

Plaintiff,

NO.

V.

MONTGOMERY COUNTY
One Montgomery Plaza
425 Swede Street
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AND

CORRECTIONAL OFFICER
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c/o Montgomery County Correctional Facility
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3940 Locust Lane
Harrisburg, Pennsylvania 17109

AND

CORRECTIONAL OFFICER JOHN DOES 1-10
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT
SHERRI JONES, M.A.

I, Colin Burke, Esquire, hereby certify that:

☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.


☐ The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

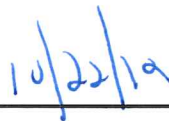
KLINE & SPECTER, P.C.

BY:



SHANIN SPECTER, ESQUIRE
COLIN BURKE, ESQUIRE
Attorneys for Plaintiff

DATED: _____



EXHIBIT

G

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL F. ROGERS, ESQUIRE	:	
Administrator of the Estate of	:	
TERRENCE T. TAYLOR, deceased	:	
510 Township Line Road, Suite 150	:	
Blue Bell, Pennsylvania 19422	:	
	:	
Plaintiff,	:	NO.
	:	

v.

MONTGOMERY COUNTY	:	
One Montgomery Plaza	:	
425 Swede Street	:	
Norristown, Pennsylvania 19401	:	

AND

CORRECTIONAL OFFICER	:	
BRIAN CHRISTY	:	
c/o Montgomery County Correctional Facility	:	
60 Eagleville Road	:	
Eagleville, Pennsylvania 19403	:	

AND

CORRECTIONAL OFFICER	:	
GREGORY FERRELL	:	
c/o Montgomery County Correctional Facility	:	
60 Eagleville Road	:	
Eagleville, Pennsylvania 19403	:	

AND

CORRECTIONAL OFFICER	:	
THOMAS STIMSON	:	
c/o Montgomery County Correctional Facility	:	
60 Eagleville Road	:	
Eagleville, Pennsylvania 19403	:	

AND

CORRECTIONAL OFFICER :
JAMES MEEHAN :
c/o Montgomery County Correctional Facility :
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AND :

CORRECTIONAL OFFICER :
MELVIN HOFFMAN :
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DAVID SLAYMAKER :
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CORPORAL TYRA IZZARD
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AND

PRIMECARE MEDICAL, INC.
3940 Locust Lane
Harrisburg, Pennsylvania 17109

AND

CLAUDETTE FOSTER, R.N.
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DR. MARGARET CARRILLO
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AND

ALBERT EINSTEIN HEALTHCARE NETWORK
a/k/a EINSTEIN HEALTHCARE NETWORK
5501 Old York Road
Philadelphia, Pennsylvania 19141

AND

EINSTEIN MEDICAL CENTER MONTGOMERY
a/k/a ALBERT EINSTEIN MEDICAL CENTER
MONTGOMERY a/k/a ALBERT EINSTEIN
MEDICAL CENTER – MONTGOMERY
559 West Germantown Pike
East Norriton, Pennsylvania 19403

AND

MEDICAL JOHN DOES 1-10
c/o PrimeCare Medical, Inc.
3940 Locust Lane
Harrisburg, Pennsylvania 17109

AND

CORRECTIONAL OFFICER JOHN DOES 1-10
c/o Montgomery County Correctional Facility
60 Eagleville Road
Eagleville, Pennsylvania 19403

Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT
DR. MARGARET CARRILLO

I, Colin Burke, Esquire, hereby certify that:

☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

KLINE & SPECTER, P.C.



BY:

SHANIN SPECTER, ESQUIRE
COLIN BURKE, ESQUIRE
Attorneys for Plaintiff

DATED: _____

10/22/19

EXHIBIT

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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Administrator of the Estate of	:	
TERRENCE T. TAYLOR, deceased	:	
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	:	
Plaintiff,	:	NO.
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v.

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One Montgomery Plaza	:	
425 Swede Street	:	
Norristown, Pennsylvania 19401	:	

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a/k/a ALBERT EINSTEIN MEDICAL CENTER
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Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT
ALBERT EINSTEIN HEALTHCARE NETWORK A/K/A
EINSTEIN HEALTHCARE NETWORK

I, Colin Burke, Esquire, hereby certify that:

- ☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.
- ☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.
- ☒ The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

KLINE & SPECTER, P.C.



BY:

SHANIN SPECTER, ESQUIRE
COLIN BURKE, ESQUIRE
Attorneys for Plaintiff

DATED: 10/22/19

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Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT
EINSTEIN MEDICAL CENTER MONTGOMERY A/K/A ALBERT EINSTEIN
MEDICAL CENTER MONTGOMERY A/K/A ALBERT EINSTEIN MEDICAL
CENTER - MONTGOMERY

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Respectfully submitted,

KLINE & SPECTER, P.C.

BY:



SHANIN SPECTER, ESQUIRE
COLIN BURKE, ESQUIRE
Attorneys for Plaintiff

DATED: _____

10/22/19